



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

December 13, 2004

Mr. Richard Kautz
Sussex County Planning
P.O. Box 417
Georgetown, De 19947

RE: PLUS 2004-07-08 – Avebury

Dear Mr. Kautz:

Attached is a copy of a letter received from River Basin Engineering regarding their response to the State agency comments received through the Preliminary Land Use Services (PLUS) for the Avebury project to be located on Harmony Hill Cemetery Road at Hollyville Road. I have also attached a copy of our original comments dated August 19, 2004 and the updated concept plan reflecting the changes made in response to our comments.

It was noted in our original letter that this project is located within an Investment Level 4 area according to the Strategies for State Policies and Spending. In these areas, State policies encourage preservation of natural and agricultural resources and discourage large scale development. We stated that we were not in favor of this development and had significant concerns relating to the development of the site. We remain concerned about this and the amount of development proposed for this general area, especially because it is outside of areas where the State and County have planned for growth.

In reviewing the developer's response, we were pleased to see that some of the State comments were addressed, particularly clustering homes to preserve a buffer along Polly Prettyman Branch, interconnections with the adjacent Whetherby proposal, and addition of bicycle paths.

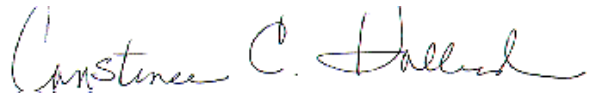
However, we are particularly concerned with the substantial increase in the number of units included in this revised proposal. The initial proposal reviewed through the PLUS

process included 348 residential units, while the revised site plan includes 400 units, a 15 percent increase over the initial proposal.

We encourage the County to consider our comments during the review of this proposal and, by copy of this letter, request that the developer continue to work with State agencies to address our concerns. In particular, we request that the developer work with DelDOT, who will be commenting on the traffic impact study around February 2005.

If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, reading "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent.

Constance C. Holland
Director

CC: Andrew Hayes, River Basin Engineering
Kip Howell, Seneca Harbor Joint Venture

Attachments: Letter from River Basin Engineering dated 10-25-04
Letter from State Planning Office dated 08-19-04



Red Clay Division

724 Yorklyn Road – Suite 300
Hockessin, DE 19707
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Fax: (302) 234-1853
E-mail: rbe-redclay@riverbasineng.com

October 25, 2004

Constance C. Holland, AICP
Director
Office of State Planning Coordination
540 S. DuPont Highway
Thomas Collins Building, Third Floor
Dover, DE 19901

RE: Avebury Property – PLUS Review

Dear Ms. Holland,

We are providing this letter in response to the comments from State agency planners from our meeting on August 4, 2004 at which we discussed the proposed Avebury Project to be located on Harmony Cemetery Road at Hollyville Road.

The project has been revised per Sussex County's new cluster ordinance to decrease lot sizes and increase open space. Therefore, we are seeking site plan approval for a 400 unit subdivision on 234.77 +/- acres, providing 56% open space.

This office offers the following replies to these agencies' comments:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The plan has been revised per Sussex County's new cluster ordinance to reduce the lot sizes and provide for additional protection of the vital natural resources on and around the site, including Polly Prettyman Branch, the wetlands and riparian buffers associated with it. The cluster plan removes lots from the wetland areas and significantly reduces the impacts to the wooded areas while providing improved recreational opportunities for residents.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The plan has been revised per Sussex County's new cluster ordinance and has increased the buffer of open space around the existing cemetery. The developer has been notified of the Delaware Unmarked Human Remains Act (7 Del. Code 54) by copy of your comments and is advised to contact Faye

Stocum in your office (302-739-5685) if any unmarked human remains or archaeological items are discovered. No trace title information was found during the course of our deed research.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The plan has been revised per Sussex County's new cluster ordinance and has added the desired bicycle and pedestrian paths. Also, the proposed interconnection between the adjoining proposed Wetherby subdivision to the north has been added to improve circulation between the two properties. This office will continue to coordinate with the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding requirements with regard to the design of the site entrances and, if streets are to be built for State acceptance, the design of the streets as well. At this time the developer has not made a request for the streets to be built for state acceptance.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

The plan has been revised per Sussex County's new cluster ordinance to reduce possible impacts on habitat, water quality, air quality, and traffic.

SOILS

The soils on site have been preliminarily mapped out and the subdivision layout has been designed to accommodate for well drained or very poorly drained soil areas, as well as for those areas appropriate for the treatment and disposal of treated wastewater.

WETLANDS

The wetlands located on site have been delineated and the plan has been designed so no disturbance occurs in these areas. Therefore, no permitting or certification is anticipated. Vegetated buffers have been employed from the edge of the wetland complexes. Please note that the existing area of wetlands in the center of the site is an irrigation/drainage pond. Our Concept Plan greatly expands this man made pond into a large community amenity. The delineation is anticipated to be verified by the Corps of Engineers through the Jurisdictional Determination process should the developer choose to do so.

EXCEPTIONAL RECREATIONAL/ECOLOGICAL SIGNIFICANT WATERS

The construction plans will be designed using Best Management Practices (BMPs) as defined in subsection 11.5(e) of Delaware's "Surface Water Quality Standards" to reduce non-point sources of nutrient runoff. Controlling the addition of pollutants and reducing them to the greatest degree practicable will be considered as part of the design of this plan.

TOTAL MAXIMUM DAILY LOADS

The wastewater treatment plant is anticipated to be designed in accordance with the requirements of Section 11.5 of the State of Delaware's Surface Water Quality Standards and meets all the federal codes and state requirements for Total Maximum Daily Loads (TMDL) which is a nutrient-runoff-mitigation strategy for reducing nutrients in the Inland Bays Watershed. With the implementation of

this design it is anticipated that both nitrogen and phosphorus loading will be reduced to acceptable standards. While the developer has yet to inform our office of an agreement we anticipate that the developer will enter into an agreement with a public utility for wastewater treatment and disposal.

WATER SUPPLY

The plan has been designed with the intent of connecting to a public utility water supply. If this connection is not possible and an on-site public well is needed, it will be located at least 150 ft. from the outermost boundaries of the project and will be constructed in accordance with The Division of Water Resources' requirements. Also, all permits for well construction or dewatering points shall be obtained before construction of these features if they are needed.

WATER RESOURCE PROTECTION AREAS

The plan has been designed with the protection of Water Resource Protection Areas in mind. Large areas of open space and stormwater management areas have been added in the western areas of the site along County Road 305. The construction at the site will seek to limit impervious cover to 20% within WRPAs. If the impervious cover of new development exceeds 20% within the WRPAs recharge facilities that directly infiltrate rooftop and stormwater runoff will be investigated.

STORMWATER MANAGEMENT

The plan will be designed with the intent to match the pre-development hydrology on the site. The design will attempt to promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining large contiguous open spaces. The lots along Polly Prettyman Branch have been moved to provide a natural buffer along the waterway. The existing pond on site that will be used for stormwater management will be modified to meet both the Delaware Sediment and Stormwater Regulations and the NRCS Pond Code 378 where required. As the site is expected to be developed in Phases, all stormwater quantity and quality requirements and erosion and sediment control requirements will be designed to meet the demands of a given phase.

OPEN SPACE

The plan has been revised in an attempt to provide adequate buffers of at least 100 feet to Polly Prettyman Branch and so that no lot lines will be within the buffer limits. Passive open space will be designed to ensure increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and low maintenance costs. Open space that contains forest and/or wetlands will be placed into a permanent conservation easement or other permanent protection mechanism and demarked to avoid infringement by homeowners.

REVEGETATION

The site will be revegetated using non-invasive species for all disturbed areas. We recommend that the DNHP web site should be used to determine which species are invasive in the state of Delaware. Native plants should be given preference for revegetation of all disturbed areas.

NUISANCE SPECIES

By copy of this letter we request that the developer plant the stormwater facilities to be landscaped with native plantings, including tall grasses, wildflowers, shrubs, and trees along the edge and within a buffer area around each facility to deter nuisance species such as Canada geese and mute swans.

RECREATION

The plan has been revised to include an interconnection stub to the proposed Wetherby project. The interconnection also includes a sidewalk which will compliment the walking and biking facilities, provide opportunities for neighbors to interact in the community, and facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work, etc. Trail loops have been revised to connect each area of the subdivision along with the potential recreational open space areas while keeping a desirable distance from the proposed spray irrigation areas. The plan has also been revised to include the following:

- Walking or Jogging Paths
- Bike Paths
- Fishing Areas
- Picnic Areas
- Swimming Pool
- Playgrounds
- Soccer Field
- Tennis Courts
- Basketball Court

These recreation facilities are intended to meet the Statewide Comprehensive Outdoor Recreation (SCORP) high priorities and several moderate priorities for Eastern Sussex County.

AIR QUALITY

The plan has been revised to include an interconnection between the adjoining proposed Wetherby project which will include a sidewalk/bike path which will provide some level of mitigation for air quality. The plan also includes multiple recreation facilities all within the subdivision which will promote bike ability and walk ability between residence and recreation. The clustered subdivision design minimizes roads and maximizes non-motor vehicle use.

UNDERGROUND STORAGE TANKS

The Tank Management Branch shall be notified immediately should any underground storage tank or petroleum contaminated soil be discovered during construction.

SITE INVESTIGATION AND RESTORATION

DNREC shall be notified immediately should any hazardous substances be encountered during construction pursuant to Title 7, Delaware Code, Section 6028.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

At the time of formal submittal a completed application, fee, and three sets of plans depicting fire protection water requirements, accessibility, gas piping and system information, and the required notes will be included in accordance with the Delaware State Fire Prevention Regulations (DSFPR).

Department of Agriculture – Contact: Mark Davis 739-4811

The plan has been revised, and is believed to be consistent with County ordinances, where buffers are required between the proposed subdivision and the adjacent pre-existing residential properties to the west and along all streams, wetlands, and river that border the project. The adjacent properties to the north and south are timberland and thus a wooded buffer is not required. The developer is encouraged to consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the "Right Tree for the Right Place" concept.

Public Service Commission – Contact: Andrea Maucher 739-4247

The plan has been designed to supply water by a central public water system. While the project site is currently not located in an area where public water service is available, public water utilities are interested in extending the current service area to include this project as well as other surrounding subdivisions. Those public water utilities will be required to obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Any expansion of natural gas or installation of a closed propane system will be designed in accordance with Pipeline Safety Guidelines. All information regarding wastewater service areas on this project will be filed with the Public Service Commission. It is anticipated that the developer will pursue a CPCN with a public utility and comply with all regulations there to.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

The development of this plan and proposed surrounding subdivisions will promote the development of services, markets, and employment opportunities in this proximity in order to serve the increased population. This development is located in a rapidly developing area.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

The developer is to notify the police, fire service, and emergency medical response organization serving this portion of Sussex County to keep them apprised of all development activities.

Department of Education – Contact: Nick Vacirca 739-4658


The developer is advised to submit a package to the Indian River School District for informational purposes which will include transportation planning information. The developer is advised to work closely with the school district transportation supervisor.

Sussex County – Contact: Richard Kautz 855-7878

The plan has been revised to provide for connectivity with adjacent large parcels, most notably the proposed adjoining Wetherby project. The plan has also been revised to provide additional open space other than the area necessary for utilities and stormwater management. The site has been designed for a private central community wastewater system. The collection and transmission system will be designed and constructed to meet the Sussex County sewer standards and specifications. When Sussex County provides sewer service to the area of this subdivision, the treatment system could be abandoned and a direct connection could be made to the county system at the developers and/or homeowner's association expense should they choose to do so.

Please let River Basin Engineering know if you have any questions and/or comments regarding these responses.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A. C. Hayes', is written over the printed name.

Andrew C. Hayes, P.E.

Cc: Mr. Glen Urquhart, Urquhart & Company with enclosures
Mr. Kip Howell, Seneca Harbor Development Company with enclosures

Enclosures